

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Innovative Foodservice Group, Inc.,
Plaintiff,

v.

Liberty Mutual Insurance Co.,
Defendant.

23-CV-9536 (DEH)

ORDER OF DISMISSAL

DALE E. HO, United States District Judge:

The Court having been advised at ECF No. 81 that all claims asserted herein have been settled in principle, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action **within forty-five (45) days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, requests to extend the deadline to reopen are unlikely to be granted.

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per the Court’s Individual Rule No. 7, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: February 10, 2025
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is positioned above a horizontal line.

DALE E. HO
United States District Judge